

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT EDNY
★ FEB 16 2006 ★

LOCAL 28 SHEET METAL
WORKERS on behalf of themselves
and other similarly situated

Plaintiffs,

v.

ELI LILLY AND COMPANY

Defendant

CIVIL ACTION NO. 06-cv-0021

BROOKLYN OFFICE

WLM:

Motion granted as of
January 27, 2006,
subject to objection
filed before that
by any
party. So
orderd

PLAINTIFF'S MOTION TO UNSEAL THE CAPTIONED MATTER

Plaintiff, by its attorneys, respectfully moves that the above captioned matter be unsealed and that the Redacted Complaint be filed under seal. The reasons are as follows:

s/Jack Weinstein

This action is related to *In re Zyprexa Products Liability Litigation*, MDL No. 1596

2/9/06

(Weinstein, J.) ("Zyprexa MDL").

In the Zyprexa MDL, Defendant Eli Lilly and Company has produced certain documents, designated by Defendant as "Confidential Discovery Materials", to Plaintiffs. These documents have been reviewed by Plaintiffs' counsel, who are also counsel herein, and the contents of some such documents have formed the basis for the Complaint in this case.

On December 28, 2005, this office filed two versions of the Complaint and Demand for Jury Trial. The first was entitled "Redacted Version Filed With the Court Pursuant to Case Management Order No. 3, Paragraph 12 entered in *In Re Zyprexa Products Liability Litigation*, MDL No. 1596 (Weinstein, J.)" ("Redacted Version") and the second entitled "Unredacted

Version Filed Under Seal Pursuant to Case Management Order No. 3, Paragraph 12 Entered in *In Re Zyprexa Products Liability Litigation*, MDL No. 1596 (Weinstein, J.)" ("Unredacted Version").

At the same time the Complaint was filed, this office also filed an Application for Leave to File Document Under Seal and a Motion to File Document Under Seal. This request was submitted to comply with the Case Management Order and to ensure the Unredacted Version was kept under seal and not open to public disclosure. However, the Court has designated the entire case be kept under seal. In filing the Redacted Version, Plaintiff has complied with the Case Management Order ensuring that information designated by the Defendant as confidential remain confidential.

For the foregoing reasons, Plaintiff respectfully requests this Court unseal the captioned case and post the Redacted Version of the Complaint on ECF and maintain the sealed designation with respect to the Unredacted Version of the Complaint.

Dated: February 1, 2006



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FACSIMILE COVER SHEET

Date: February 9, 2005

Pages: 4 (including this cover)

From:

Tiffani Sala

To:

Name:	Company:	Fax No.:
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June Lowe	Honorable Judge Weinstein Chambers	(718) 613-2527
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RE: Local 28 Sheet Metal Workers, et al., v. Eli Lilly and Company
Case Number 06-cv-0021

MESSAGE:

Ms. Lowe – per our conversation of Friday, January 27, 2006, please find attached a Motion to Unseal Captioned Matter relative to the above mentioned action. Please contact me directly with any questions (617) 475-1951. Thank you for your assistance, and patience, in this regard.

Urgent! Deliver Immediately.

Please call (617) 482-3700 if you do not receive all of these pages or if there is a problem.

The information contained in this facsimile is confidential and may also be attorney-privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify us by a collect telephone call to (617) 482-3700, and return the original message to us at the address above via the US Postal Service. Thank you.